

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6052**

**BILL NUMBER:** HB 1033

**DATE PREPARED:** Oct 27, 1998

**BILL AMENDED:**

**SUBJECT:** Railroad employees involved in accidents.

**FISCAL ANALYST:** James Sperlik

**PHONE NUMBER:** 232-9866

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires a Class I or Class II railroad company to offer to relieve an employee involved in a train accident from duty for three days with pay and benefits if the accident results in a death or a serious bodily injury. It requires a Class I or Class II railroad company to provide counseling services to an employee involved in a train accident that results in a death or a serious bodily injury. The bill provides that if an employee requests an extension of the counseling services provided by the railroad company, the railroad shall have a mental health professional certify that the employee does not suffer from posttraumatic stress disorder before the railroad may discontinue counseling services. It makes it a Class C infraction for a railroad company to violate these requirements.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** Any impact on state assistance to the Northern Indiana Commuter Transportation District (NICTD) would depend upon the number of accidents that the railroad would experience in a year. NICTD currently maintains an extra board of engineers (for relief work). The salary for an engineer, including fringe benefits, is approximately \$64,000 per year. The fiscal impact will depend upon the number of accidents and the train length. The impact of this bill is based on the following methodology:

Hours in a work year:	2,100
Estimated average annual cost per train service employee:	\$62,880
Effective hourly rate:	29.94
Effective daily (8 hours) rate per crew member:	239.52
Effective 3 day cost to NICTD per crew member:	718.56

Effective impact on NICTD's shortest train per incident:

2 crew members for 3 days	\$1,437
Effective impact to NICTD on maximum 8 car train per incident:	
5 crew members for 3 days	\$3,592

NICTD is supported through the Public Mass Transportation Fund (PMTF) which is supported by 0.76% of the State Sales Tax. In calendar year 1996, NICTD received \$2,714,800 from the PMTF. In calendar year 1997, NICTD received \$2,838,200 from the PMTF. In calendar year 1998, NICTD receive \$3,146,700 from the PMTF. NICTD is scheduled to receive \$3,270,100 in calendar year 1999 from the PMTF.

**Explanation of State Revenues:** If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in state general fund if the case filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.(2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Northern Indiana Commuter Transportation District

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** John Parsons, Northern Indiana Commuter Transportation District, 219-926-5744.